

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

**Repairing Standard Enforcement Order (RSEO): Housing (Scotland) Act 2006
Section 24**

Chamber Ref: FTS/HPC/RT/21/1978

Property Address: Flat 1/0, 2 Sibbald Street, Dundee DD3 7JA (“the property”)

The Parties: Mr Stuart Cuthill, Private Sector Services Unit, 3 City Square,
Dundee DD1 3BA (“third party applicant”)

Mrs Faiza Sami Ullah, Flat 1/0, 2 Sibbald Street, Dundee DD3
7JA (“the applicant”)

Mr Javid Alam, Ms Asma Nahid, 4 Fonstane Crescent,
Monfieth, Angus DD5 4JZ (“the respondent”)

The First-tier Tribunal for Scotland (Housing and Property
Chamber) (“the tribunal”)

Whereas in terms of their decision dated 8 December 2021 the First-tier tribunal for Scotland (Housing and Property chamber) (‘the tribunal’) determined that the respondent has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (‘The Act’) and in particular that the respondent has failed to ensure that the house meets the repairing standard with reference to the following provisions of section 13 (1)(a) of the act as amended:-

- a) The house is wind and watertight and in all other aspects reasonably fit for human habitation;
- b) The structure and exterior of the house (including drains, gutters, and external pipes) are in reasonable state of repair and in proper working order.
- c) The installations of the house for the supply of water, gas, electricity, and for sanitation, space heating, and heating water are in a reasonable state of repair and in proper working order.
- d) Any fixtures, fittings, and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

- e) The house has a satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The tribunal now requires the landlord to carry out such work as is necessary for the purpose of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this order is made good.

In particular the tribunal requires the landlord: -

- a) To investigate the cause of the damp ingress in bedroom 1 and the bathroom from a suitably qualified damp specialist surveyor or such other specialist to confirm the nature and extent of the damp and thereafter to attend to such work as is identified in terms of such report.
- b) To properly affix the central heating pipe in bedroom 1 to prevent damage of movement.
- c) To carry out such repairs as are required to the flooring timbers in the kitchen and the bathroom so that they are properly fixed and are reasonable even and to replace floor coverings thereafter.
- d) In bedroom 2 to clear the mould growth within the cupboard under the window and to the area around the window and thereafter to redecorate the affected area.
- e) To repair and replace the draft proofing to the letter plate and door surround of the front door to the flat.
- f) To replace the carbon monoxide monitor in the kitchen with a new item.
- g) In the stairwell to replace the cracked pane of glass.
- h) To carry out such works and repairs to the downpipes to the front and rear elevations of the building to ensure that they are in proper working order and free from obstruction.

The tribunal ordered that the work specified in this order must be carried out and completed by 21st January 2022.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is finally abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Please note that in terms of section 28(1) of the Act, a respondent who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A respondent (and that includes any successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to that house. This is in terms of Section 28(5) of the Act.

M Thorley

A Gibson

Chairperson

Witness

FLISON GIBSON Name in Full

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